



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:  
ASHKENAZI, et al.  
Application Serial No. 09/665,350  
Filed: September 18, 2000  
For: **SECRETED AND TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

) Examiner: Chernyshev, Olga N.  
) Art Unit: 1646  
) Confirmation No: 8200  
) Attorney's Docket No. 39780-1618P2C1  
) Customer No. 35489

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**EXPRESS MAIL LABEL NO. EL 976 547 414US**  
**DATE MAILED: SEPTEMBER 15, 2005**

## NOTICE OF APPEAL

Commissioner for Patent -- MAIL STOP AF  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated June 23, 2005 of the Primary Examiner finally rejecting Claims 39-46 and 49-51. The item(s) marked below are appropriate:

- Filing Fee:**  
 **\$500.00 (large entity)**
- The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. 08-1641 (39780-1618P2C1).

Date: September 15, 2005

By: Daphne Reddy  
Daphne Reddy (Reg. No. 53,507)

09665350

**HELLER EHRLMAN LLP**  
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9/15/05 12:16 PM (39780.1618)

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PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/665,350
		Filing Date	September 18, 2000
		First Named Inventor	Ashkenazi, et al.
		Group/Art Unit	1646
		Examiner Name	Chernyshev, Olga N.
Total Number of Pages in This Submission	3	Attorney Docket Number	39780-1618P2C1

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> <b>FEE TRANSMITTAL FORM</b> <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension Of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of Notice	<input type="checkbox"/> Copy of an Assignment <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> ) <input checked="" type="checkbox"/> <b>NOTICE OF APPEAL</b> <input type="checkbox"/> <input type="checkbox"/> Additional Enclosure(s) ( <i>please identify below</i> ): <input checked="" type="checkbox"/> <b>STAMPED RETURN POSTCARD</b>
Remarks		

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-1618P2C1.**

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	<b>HELLER EHRMAN LLP</b> 275 Middlefield Road, Menlo Park, California 94025   Telephone: (650) 324-7000   Facsimile: (650) 324-0638		
Signature			
Date	SEPTEMBER 15, 2005	Customer Number:	35489

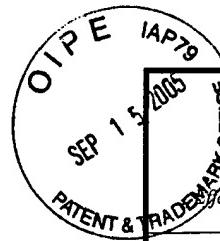
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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP AF**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **SEPTEMBER 15, 2005**

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Typed or printed name	<b>C. ROGERS</b>		
Signature		Date	SEPTEMBER 15, 2005

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09-19-05

Approved for use through 04/30/2003. OMB 0651-0032  
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**FEE TRANSMITTAL****for FY 2005**

Effective 12/08/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 500.00)**Complete if Known**

Application Number	09/665,350
Filing Date	September 18, 2000
First Named Inventor	Ashkenazi, et al.
Examiner Name	Chernyshev, Olga N.
Art Unit	1646
Attorney Docket No.	39780-1618P2C1

**METHOD OF PAYMENT (check one)** Check  Credit card  Money Order  Other  None Deposit Account:Deposit Account Number **08-1641 (Docket No. 39780-1618P2C1)**Deposit Account Name **Heller Ehrman White & McAuliffe LLP****The Commissioner is authorized to: (check all that apply)**

- Charge fee(s) indicated below  Credit any overpayments
- Charge any additional fee(s) during the pendency of this application
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500.00
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1460		1460		Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$500.00)****SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	DAPHNE REDDY	Registration No. (Attorney/Agent)	53,507	Telephone	650-324-7000
Signature	<i>Daphne Reddy</i>	Date	SEPTEMBER 15, 2005	Customer No.	35489

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